

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING
JUNE 21 AND JUNE 23, 2016 – REGULAR SESSION**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on June 21, 2016 beginning at 10:00 a.m. in the Board of County Commissioners Hearing Room (Room # 102B), Annex Building, 1 N.E. 6th Street, Coupeville, Washington. Richard M. Hannold, Chair, Jill Johnson, Member, and Helen Price Johnson, Member, were present. The meeting began with the Pledge of Allegiance.

PUBLIC INPUT OR COMMENTS

[Documents on file with the Clerk of the Board]

There were no public comments offered.

APPROVAL OF PRELIMINARY AGENDA AS PUBLISHED

ACTION TAKEN:

By unanimous vote, the preliminary agenda was approved as presented.

CONSENT AGENDA

[Documents on file with the Clerk of the Board]

Pre-audited bills:	\$447,164.50
Vouchers:	\$741,994.84
Electronic funds transfers:	\$2,411.44
Payroll:	\$-0-
Minutes:	Regular Sessions: 5/3, 5/10, 5/17, 5/24, 6/7/16 Work Session: 5/18/16

Facilities

Resolution C-75-16 in Support of the WA State Historic County Courthouse Rehabilitation Grant Application. If awarded, the grant would provide funding assistance to help preserve Island County's historic Courthouse.

Information Technology

Purchase Order No. 10465 – CDW Government LLC; Data Protection Manager and Backup Recovery System. Amount \$39,614.18 including WSST (RM-IT-2016-121)

Public Works - County Roads

- Supplemental Agreement No. 4 – Tetra Tech, Inc.; Boon Road Improvement Project, CRP 11-07; Completion Date December 31, 2017. Amount: \$56,703.56 (RM-PW- 2016-192) (PW-1620-094)
- Bid Award – Harrington Lagoon Road (CRP 16-04), Hidden Beach Drive (CRP 16-05), Possession Road (CRP 16-06) Shoulder Repair Project; Award Bid to C. Johnson Construction. Amount: \$277,973.80

Public Works - Trails

Supplemental Agreement No. 6 – Otak, Inc.; Freeland Trail, PWP 11-01. Amount: \$26,550.97 (RM-PW-2016-176) (PW-1620-089)

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Sheriff

Interagency Agreement with the WA Association of Sheriffs and Police Chiefs for the Registered Sex Offender Address Verification Program. Funds from the grant would be used to support face-to-face verification of a sex offender's address at the place of residency. Grant No. RSO 16-17 Island; Amount \$75,961.56 (RM-SHER-2016-190)

Superior/Juvenile Courts

Contract Agreement with WA State Department of Social and Health Services (DSHS) for Court Commissioner's Services. Agreement No: 1663-67348; Amount: Fee for Service (RM-SC-2016-205)

ACTION TAKEN:

By unanimous vote, the Consent Agenda was approved as presented.

REGULAR AGENDA

[Documents on file with the Clerk of the Board]

Long Range Planning

Resolution C-76-16 (PLG-007-16) Detailing Island County's Substantial Progress towards Fulfillment of the Requirements of the 2016 State Mandated Periodic Comprehensive Plan and Development Regulation Update

Becky Frey, Senior Long Range Planner, provided the staff report. She explained that since the County has not yet completed its updated Comprehensive Plan, the Department of Commerce suggested that a resolution of substantial progress be adopted that would provide an illustration of items completed, items currently in process, and a timeline of when the Comprehensive Plan Update would be finalized. Most jurisdictions have not met their deadlines and so the process outlined by creating a resolution of substantial progress is the Department of Commerce's guidance on how to proceed if that is the case.

ACTION TAKEN:

By unanimous vote, Resolution C-76-16 Detailing Island County's Substantial Progress towards Fulfillment of the requirements of the 2016 State Mandated Periodic Comprehensive Plan and Development Regulation Update (GMA No. 12023) was adopted.

PUBLIC HEARINGS

[Documents on file with the Clerk of the Board]

Long Range Planning

10:15 A.M. Public Hearing: Ordinance C-71-16 (PLG-008-16) Completing Revisions to Island County's Fish and Wildlife Habitat Conservation Areas Regulations and Amending County Code Chapter 17.02B (GMA No. 12041). The ordinance addresses amendments to the Fish and Wildlife Habitat protection regulations to address compliance actions for Issues 6, 7, 8 and 9 of the Growth Management Hearings Board Final Order 14-2-0009 regarding a) Natural Area Preserve Buffers (Naas NAP); b) Western Toad; and c) Native Prairies, Herbaceous Balds and Oak Woodlands.

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GMA Record

- Agenda (GMA No. 12038)
- Scheduling Notice (GMA No. 12078)
- Attendance Sheet (GMA No. 12079)
- Legal Notice – Whidbey News Times/South Whidbey Record (GMA No. 11951)
- Legal Notice – Stanwood/Camano News (GMA No. 11952)
- List of Written Documents (GMA No. 12092)
- Notice of Continuance (GMA No. 12080)
- Ordinance C-71-16 (GMA No. 12041)

Keith Higman, Director of Long Range Planning and Meredith Penny, Long Range Planner, provided the staff report. Mr. Higman added that the issue for consideration today is a continuance of a conversation that began some time ago with a number of items remanded back to Island County by the Growth Management Hearings Board with respect to the County's Fish and Wildlife Habitat Conservation Area regulations. The Board has already considered some uncontentious issues and today, would address the four remaining subjects. All of which were fully reviewed by staff, the consultant, and members of the public.

Commissioner Hannold opened the floor to public comment and those providing testimony included:

- Marianne Edain, Whidbey Environmental Action Network
- Steve Erickson, Whidbey Environmental Action Network

There were no additional comments offered.

Commissioner Price Johnson suggested that public comment be suspended and not closed based on the testimony received. She asked that the Board meet in Executive Session for fifteen minutes as provided under RCW 42.30.110(1)(i) to discuss with legal counsel litigation or potential litigation. The Executive Session would occur in the Department of Emergency Management Conference Room B130 and there may or may not be an announcement.

At 10:38 a.m. the Board briefly recessed then immediately went into Executive Session with legal counsel.

At 10:54 a.m. the Board reconvened its Regular Meeting and continued deliberations without an announcement. Subsequently staff was directed to modify the proposed ordinance as follows:

- *Ensure that the Forest Management Plan for Camp Casey is a part of the record*
- *Amend code language to accept Mr. West's proposed clarification (in table under 17.02B.430(E):*

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The Planning Department shall confirm the public agency establishing and managing the area has included sufficient land within ~~their buffers~~ these areas to ensure no net loss of habitat functions and values

- *Amend the Findings to address:*
 1. *Response to WEAN regarding need for definition of prairie*
 2. *Response to WEAN's argument that listing as Habitat of Local Importance is not sufficient for protection purposes*
 3. *Add map reference*

ACTION TAKEN:

By unanimous vote, deliberation was continued to Thursday, June 23, 2016 at 11:00 a.m. to provide staff an opportunity to address the requested changes. The oral comment period is closed but the written record will remain open so items discussed can be added.

Commissioner Hannold announced that the Board's Regular Meeting would recess now until 3:00 p.m. when, at the invitation of the Island County Jail Administrator, the Commissioners would attend a debriefing by Mr. Stanley concerning his follow-up assessment of the jail operations and facility. The meeting would occur in the Human Services Building, 105 NW 1st Street here in Coupeville.

At 11:09 a.m. the Board recessed.

At 3:00 p.m. the Commissioners reconvened Regular Session at the Human Services Building for the purpose of attending the Island County Law and Justice Jail Subcommittee meeting to listen to Phil Stanley's report. Following the report, the Board recessed at 4:00 p.m. until Thursday, June 23 at 11:00 a.m. to continue deliberation on Ordinance C-71-16 (PLG-008-16) Completing Revisions to Island County's Fish and Wildlife Habitat Conservation Areas Regulations and Amending County Code Chapter 17.02B. *(The Law and Justice Jail Subcommittee meeting minutes and Phil Stanley's report are available through the Sheriff's office.)*

REGULAR SESSION RECONVENED – JUNE 23, 2016 – 11:00 A.M.

Long Range Planning

Deliberation Continued - Ordinance C-71-16 (PLG-008-16) Completing Revisions to Island County's Fish and Wildlife Habitat Conservation Areas Regulations and Amending County Code Chapter 17.02B (GMA No. 12041). The ordinance addresses amendments to the Fish and Wildlife Habitat protection regulations to address compliance actions for Issues 6, 7, 8 and 9 of the Growth Management Hearings Board Final Order 14-2-0009 regarding a) Natural Area Preserve Buffers (Naas NAP); b) Western Toad; and c) Native Prairies, Herbaceous Balds and Oak Woodlands.

Following a brief recess to provide an opportunity for the Code Reviser to sign the ordinance "approved as to form," the meeting reconvened at 11:14 a.m.

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Mr. Higman indicated for the record that two additional comments were received. The first was from Mr. Erickson on June 22 at 2:05 p.m. and the second from Mark Fessler at 9:52 a.m. on June 23. Additionally, Mr. Higman detailed what has changed in the document since the June 21 public hearing:

- The Existing Master Plan Resort and underlying Forest Management Plan for Camp Casey was added to the record. Mr. Higman provided a copy to an interested member of the public as requested.
- On Page 3 of Exhibit A, code language was changed to reflect:
The Planning Department shall confirm the public agency establishing and managing the area has included sufficient land within ~~their buffers~~ these areas to ensure no net loss of habitat functions and values.
- Page 11, section 5.8 of the Findings were modified to refer to technical memoranda provided by the watershed company that included processes by which woodlands, prairies and herbaceous balds would be identified.
- Added to pages 6 and 7 of Exhibit B (Matrix) were additional responses to comments received from Mr. Fessler.
- In response to identification and location of herbaceous balds, oak woodlands and prairies, the consultant generated a map delineating the location of the features identified in the proposed code language. The map is added as Exhibit C and referenced in the regulations.
- The record has been amended to include any items previously identified and also to include a technical memorandum written by the watershed company defining its approach and review of Best Available Science so the process is clear. Also included are the resumes and credentials from individuals with the watershed company who provided the work product.

Mr. Higman added that staff has no additional recommendations and that the Board consider for adoption the modified proposed ordinance and exhibits as presented.

ACTION TAKEN:

By unanimous vote, Ordinance C-71-16 (PLG-008-16) Finishing Amending Island County's Development Regulations to Protect Fish and Wildlife Habitat Conservation Areas (GMA No. 12041) was adopted as modified.

COMMISSIONERS COMMENTS AND ANNOUNCEMENTS

The Commissioners provided their respective comments and announcements.

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There being no further business to come before the Board the meeting adjourned at 11:29 a.m. The Board will meet next in Regular Session on June 28, 2016 beginning at 10:00 a.m. followed by Roundtable at 2:00 p.m.

BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON

Richard M. Hannold, Chair

Jill Johnson, Member

Helen Price Johnson, Member

ATTEST:

Debbie Thompson
Clerk of the Board